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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,649	06/05/2001	Steven H. McCown	2001-025-SFT	5080

7590 09/12/2005  
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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,649

Applicant(s)

MCCOWN ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-14, 16-21, 23-33 and 35-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3, 5-14, 16-21, 23-33 and 35-50 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

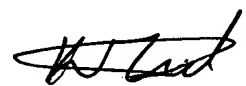
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 4, 15, 22 and 34 have been cancelled.
4. Claims 1, 13, 19, 31, 42 and 44 have been amended.
5. Claims 1-3, 5-14, 16-21, 23-33 and 35-50 are pending.

### ***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1-3, 5-14, 16-21, 23-33 and 35-50** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. **Claims 1, 13, 19, 31, 42 and 44** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "the client being incapable of decrypting the encrypted data" has no support in the specification. Specification clearly discloses different method of encrypting data and decryption the encrypted data. Nowhere on pages 11-16 disclose any support for the above limitation.
10. Dependent claims 2, 3, 5-12, 14, 16-18, 20, 21, 23-30, 32, 33, 35-41, 43 and 45-50 are rejected based on their dependency on the above rejected independent claims.
11. Examiner considers the above limitation as corresponding to a client not be able to decrypt an encrypted data unless the client possesses the decryption key for the purpose of examination.

***Claim Rejections - 35 USC § 102***

**12. Claims 1-3, 5-14, 16-21, 23-33 and 35-50** are rejected under 35 U.S.C. 102(b) as being anticipated by Fortenberry et al (6,005,939 A).

**As per claims 1 and 19** Fortenberry et al (6,005,939 A) teach a computer program product in a computer-readable medium for transmitting data in a network, a method of transmitting data in a network (see fig 2a and associated text) comprising: receiving from a client a request to transmit the data; encrypting the data; and transmitting the encrypted data to a storage device, that is associated with the client, connected to the network (see fig.2b, 4 and associated text), the client being incapable of decrypting the encrypted data, wherein unencrypted transmission of the data through the client is bypassed (see fig.2a-b, 4 and 5 and associated text where examiner considers the user as corresponding to Applicant's client; and where by applicant's passing the unencrypted transmission corresponds to transmission of the encrypted data between the two entities using a secure channel of communication; col.6, lines 16-46 further disclose that the user that corresponds to applicant's client can not decrypt the encrypted data unless using the decryption key provided; fig.2a and associated text also disclose that each node (regardless of its name such as user, client service provider, server, etc) is capable of storing and having storage medium such as memory, hard disk, etc..).

**As per claim 13** Fortenberry et al (6,005,939 A) teach a method, operative in a storage device that is associated with a client, of downloading data from a server in response to

a client request from the client: receiving from the server a request for downloading; receiving an encrypted data transmission from the server; the client being incapable of decrypting the encrypted data; decrypting the encrypted data transmission to yield the data; and storing the data in the storage device (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; (see fig.2a-b, 4 and 5 and associated text where examiner considers the user as corresponding to Applicant's client; and where by applicant's passing the unencrypted transmission corresponds to transmission of the encrypted data between the two entities using a secure channel of communication; col.6, lines 16-46 further disclose that the user that corresponds to applicant's client can not decrypt the encrypted data unless using the decryption key provided; fig.2a and associated text also disclose that each node (regardless of its name such as user, client service provider, server, etc) is capable of storing and having storage medium such as memory, hard disk, etc..).

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**As per claim 31** Fortenberry et al (6,005,939 A) teach an embedded processor program in a embedded processor-readable medium and operative in a storage device that is associated with a client, of downloading data from a server in response to a client request from the client, comprising instructions for: receiving from the server a request for downloading; receiving an encrypted data transmission from the server; the client being incapable of decrypting the encrypted data; decrypting the encrypted data

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transmission to yield the data; and storing the data in the storage device (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; (see fig.2a-b, 4 and 5 and associated text where examiner considers the user as corresponding to Applicant's client; and where by applicant's passing the unencrypted transmission corresponds to transmission of the encrypted data between the two entities using a secure channel of communication; col.6, lines 16-46 further disclose that the user that corresponds to applicant's client can not decrypt the encrypted data unless using the decryption key provided; fig.2a and associated text also disclose that each node (regardless of its name such as user, client service provider, server, etc) is capable of storing and having storage medium such as memory, hard disk, etc..).

).

**As per claim 42** Fortenberry et al (6,005,939 A) teach a data processing system for transmitting data in a network, comprising: a bus system; a processing unit connected to the bus system, wherein the processing unit includes at least one processor; memory connected to the bus system; a network adapter in communication with the network and with the bus system; and a set of instructions in the memory, wherein the processing unit executes the set of instructions to perform the acts of: receiving with the network adapter and from a client a request to transmit the data; encrypting the data; and transmitting the encrypted data to a storage device, that is associated with a client, connected to the network data (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for

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decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; also see col.2, lines 53-67 and col.3, lines 1-31 disclosing the hardware architecture above), the client being incapable of decrypting the encrypted data, wherein unencrypted transmission of the data through the client is bypassed (see fig.2a-b, 4 and 5 and associated text where examiner considers the user as corresponding to Applicant's client; and where by applicant's passing the unencrypted transmission corresponds to transmission of the encrypted data between the two entities using a secure channel of communication; col.6, lines 16-46 further disclose that the user that corresponds to applicant's client can not decrypt the encrypted data unless using the decryption key provided; fig.2a and associated text also disclose that each node (regardless of its name such as user, client service provider, server, etc) is capable of storing and having storage medium such as memory, hard disk, etc..).

**As per claim 44** Fortenberry et al (6,005,939 A) teach a storage device, that is associated with a client, for downloading data from a server in response to a client request from the client, comprising: a bus system; an embedded processor unit connected to the bus system, wherein the embedded processor includes at least one embedded processor; memory connected to the bus system; a network adapter connected to the bus system; physical storage components in communication with the bus system; and a set of instructions in the memory, wherein the embedded processor



unit executes the set of instructions to perform the acts of: receiving with the network adapter and from the server a request for downloading; receiving an encrypted data transmission from the server; the client being incapable of decrypting the encrypted data; decrypting the encrypted data transmission to yield the data; and storing the data.

In the storage device, with the physical storage components (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; also see col.2, lines 53-67 and col.3, lines 1-31 disclosing the hardware architecture above; also (see fig.2a-b, 4 and 5 and associated text where examiner considers the user as corresponding to Applicant's client; and where by applicant's passing the unencrypted transmission corresponds to transmission of the encrypted data between the two entities using a secure channel of communication; col.6, lines 16-46 further disclose that the user that corresponds to applicant's client can not decrypt the encrypted data unless using the decryption key provided; fig.2a and associated text also disclose that each node (regardless of its name such as user, client service provider, server, etc) is capable of storing and having storage medium such as memory, hard disk, etc..).

Examiner also refers Applicant to the entire reference with respect to the independent claims where other embodiments are detailed.

**As per claims 2, 14, 20 and 32 Fortenberry et al (6,005,939 A) teach the method,**

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system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, further comprising: negotiating encryption parameters (see abstract; fig.4 blocks 404-410 and associated text where the negotiations for encryption parameters are being done).

**As per claims 3, 21 and 33** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 2, 20 and 31, wherein the step of negotiating encryption parameters includes establishing an encrypted communications channel/ssl channel (see fig.4, block 404; col.9, lines 28-37).

**As per claims 5, 16, 23 and 35** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, wherein the data includes at least one of audio data, video data, and digital data (see col.9, lines 15-27).

**As per claims 6,24, 36 and 45** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, wherein the storage device stores the data in a removable medium (see col.9, lines 15-20 where cd is a removable storage; col.3, lines 7-15).

**As per claims 7, 17, 25, 37 and 46** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1,

13 and 31, wherein the removable medium is one of a compact disc (CD) and a digital versatile disc (DVD) (see col.3, lines 8-15).

**As per claims 8, 25, 38 and 47** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the removable medium is one of a tape cartridge and a tape cassette (see col.3, lines 7-10).

**As per claims 9, 17, 26, 39 and 48** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the removable medium is one of a holographic disc and a holographic cube (see col.3, lines 1-45).

**As per claims 10, 18, 28, 40 and 49** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is one of a tape drive and a disk drive (see col.3, lines 10-15).

**As per claims 11, 29, 41 and 50** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is a solid-state storage device (see col.3, lines 4-15).

**As per claims 12, 30 and 43** Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is independent of the client (see fig.4 block 420 where the storage is independent than user storage).

### **Conclusion**

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571)

272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

09/07/2005

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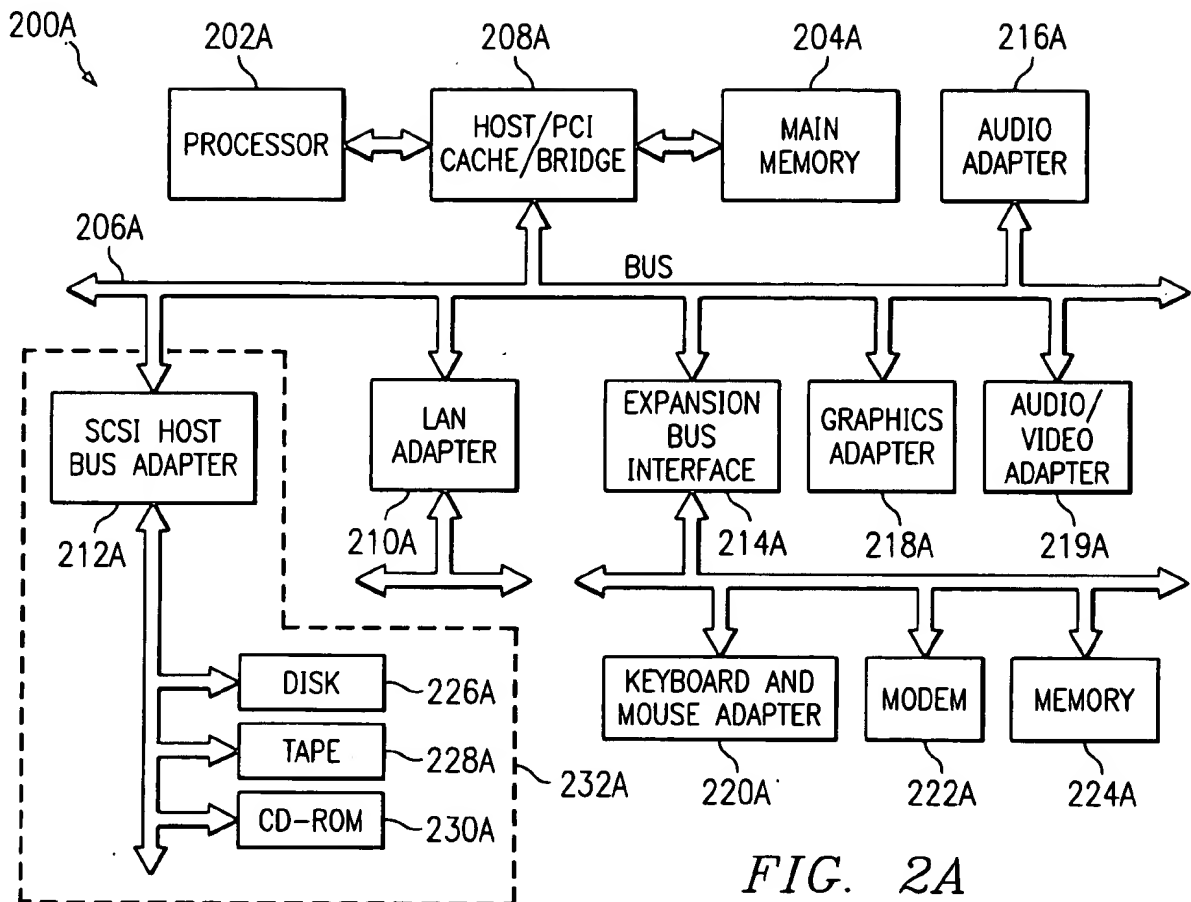


FIG. 2A